

MONTANA LEGISLATIVE HISTORY

Chapter 273 19 85

Bill H _____ S 274 Original bill & history ____C

H. Committee on Business & Labor

Hearing Date(s) Mar 18 ☒ C

_____ C

_____ C

_____ C

Date Out _____ C

S. Committee on State Admin.

Hearing Date(s) Feb 13 ☒ C

Feb 15 ☒ C

_____ C

_____ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

SENATE FINAL STATUS

2/26 2ND READING INDEFINITELY POSTPONED 34 14

SB 272 INTRODUCED BY MOHAR
ELIGIBILITY AND LICENSE FOR HYDROPOWER DEVELOPMENT
ON STATE PROJECTS
BY REQUEST OF DEPT. OF NATURAL RESOURCES

1/29 INTRODUCED
1/29 REFERRED TO NATURAL RESOURCES
2/08 HEARING
2/14 COMMITTEE REPORT-BILL DO PASS
2/16 2ND READING PASS 47 0
2/19 3RD READING PASS 45 0

TRANSMITTED TO HOUSE
2/27 REFERRED TO NATURAL RESOURCES
3/15 HEARING
3/18 COMMITTEE REPORT-BILL CONCURRED
3/20 2ND READING CONCURRED 76 0
3/22 3RD READING CONCURRED 96 1

RETURNED TO SENATE
3/27 SIGNED BY PRESIDENT
3/28 SIGNED BY SPEAKER

3/28 TRANSMITTED TO GOVERNOR
4/01 SIGNED BY GOVERNOR
CHAPTER NUMBER 293 EFFECTIVE DATE: 4/01/85

SB 273 INTRODUCED BY THAYER
ESTABLISH CONTRACT REQUIREMENTS FOR STATE WATER
PROJECTS
BY REQUEST OF DEPT. OF NATURAL RESOURCES

1/29 INTRODUCED
1/29 REFERRED TO NATURAL RESOURCES
2/11 HEARING
2/14 COMMITTEE REPORT-BILL DO PASS
2/16 2ND READING PASS 47 0
2/19 3RD READING PASS 45 0

TRANSMITTED TO HOUSE
2/27 REFERRED TO NATURAL RESOURCES
3/18 HEARING
3/19 COMM REPORT-BILL CONCURRED AS AMENDED
3/22 2ND READING CONCURRED 85 0
3/25 3RD READING CONCURRED 98 0

RETURNED TO SENATE WITH AMENDMENTS
4/02 2ND READING AMENDMENTS CONCURRED 50 0
4/04 3RD READING AMENDMENTS CONCURRED 50 0
4/11 SIGNED BY PRESIDENT
4/11 SIGNED BY SPEAKER

4/12 TRANSMITTED TO GOVERNOR
4/16 SIGNED BY GOVERNOR
CHAPTER NUMBER 498 EFFECTIVE DATE: 4/16/85

SB 274 INTRODUCED BY FARRELL
GROUNDS FOR DISCIPL. ACTION AS GROUNDS FOR DENYING

SENATE FINAL STATUS

OCCUPATIONAL OR PROFESSIONAL LICENSES BY REQUEST OF DEPARTMENT OF COMMERCE

1/29	INTRODUCED		
1/29	REFERRED TO STATE ADMINISTRATION		
2/13	HEARING		
2/18	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/20	2ND READING PASS	49	0
2/22	3RD READING PASS	46	3
	TRANSMITTED TO HOUSE		
2/27	REFERRED TO BUSINESS & LABOR		
3/18	HEARING		
3/18	COMMITTEE REPORT-BILL CONCURRED		
3/20	2ND READING CONCURRED	71	6
3/22	3RD READING CONCURRED	84	13
	RETURNED TO SENATE		
3/27	SIGNED BY PRESIDENT		
3/28	SIGNED BY SPEAKER		
3/28	TRANSMITTED TO GOVERNOR		
4/01	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 273	EFFECTIVE DATE: 10/01/85	

SB 275 INTRODUCED BY ECK, LORY, J. BROWN
GENERALLY REVISING LAWS RELATING TO REGULATION OF
PRACTICE OF ARCHITECTURE
BY REQUEST OF BOARD OF ARCHITECTS

1/29	INTRODUCED		
1/29	REFERRED TO STATE ADMINISTRATION		
1/30	FISCAL NOTE REQUESTED		
2/05	FISCAL NOTE RECEIVED		
2/14	HEARING		
2/18	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/20	2ND READING PASS AS AMENDED	26	18
2/22	3RD READING PASS	34	15
	TRANSMITTED TO HOUSE		
2/27	REFERRED TO BUSINESS & LABOR		
3/14	HEARING		
	DIED IN COMMITTEE		

SB 276 INTRODUCED BY HARDING
ELIMINATE 60-DAY DEADLINE FOR ISSUING AUDIT REPORTS
OF LOCAL GOVERNMENTS
BY REQUEST OF DEPARTMENT OF COMMERCE

1/29	INTRODUCED		
1/30	REFERRED TO STATE ADMINISTRATION		
2/14	HEARING		
2/15	COMMITTEE REPORT-BILL DO PASS		
2/18	2ND READING PASS	50	0
2/20	3RD READING PASS	48	1
	TRANSMITTED TO HOUSE		
2/27	REFERRED TO STATE ADMINISTRATION		
3/14	HEARING		
3/14	COMMITTEE REPORT-BILL CONCURRED		

list a statute that it effects. Mr. Brazier said that this would be a technicality only

SENATE BILL 263 is closed.

EXECUTIVE ACTION ON SENATE BILL 263: Action on Senate Bill 263 will be deferred until Thursday, February 14, 1985.

CONSIDERATION OF SENATE BILL 274: Senator William Farrell, Senate District 31, is the sponsor of this bill entitled, "AN ACT PROVIDING THAT GROUNDS FOR DISCIPLINARY ACTION AGAINST A HOLDER OF AN OCCUPATIONAL OR PROFESSIONAL LICENSE ARE GROUNDS FOR DENIAL OF A LICENSE TO AN APPLICANT; PERMITTING A PROFESSIONAL OR OCCUPATIONAL LICENSING BOARD TO ATTACH CONDITIONS TO NEW LICENSES ISSUED." Senator Farrell said that this bill addresses problems that come up when an applicant is in "pipeline" for qualifying for a license to practice and when an applicant from another state applies for a license to practice a profession. There have been recent instances where new license applicants became involved in conduct which would be grounds for license revocation if they had licenses, but the same conduct was not grounds to deny a license. Section 2 corrects the problem of out-of-state people who have had revocations or suspensions, but have corrected the problem. This would take care of this problem. The Committee will note that under the bill, boards are given discretion to exercise the authority granted. The bill is not mandatory in all cases.

PROPONENTS: Geoff Brazier, staff Attorney, Department of Commerce, supports this bill. Mr. Brazier said that undesirable persons have applied for licenses and they have entered the "pipeline" for qualification. Under the present statutory framework there is no way that the conduct could serve as a basis for denying the license. The other section of the bill permits boards to attach conditions to a new license. (For more of Mr. Brazier's testimony see Exhibit "L" attached hereto and by this reference made a part hereof.)

OPPONENTS: Dr. David Wisty, Optometrist, opposes this bill. He feels that this is another way for them to get their hands on licenses.

COMMITTEE QUESTIONS: Senator Mohar was concerned with the language talking about denial of licenses in certain sections.

SENATE BILL 274 is closed.

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 15, 1985

The twenty-eighth meeting of the State Administration Committee was called to order by its Chairman Jack Haffey in Room 331, Capitol, at 6:00 p.m. on Friday, February 15, 1985.

ROLL CALL: All the members were present.

EXECUTIVE ACTION ON SENATE BILL 210: Senator Mohar explained to the Committee that Senate Bill 210 had been studied long and hard in the subcommittee that he chaired. He told the Committee that the amendments would help the bill in that it wouldn't keep the younger contractors out of the market. He also felt that it gave the people applying for a license an opportunity to study all the things they would need to know. He went through the amendments one at a time. Senator Blaylock felt that the amendments took all the "bite" out of the bill. He felt that it still did not protect the public when they hired a licensed contractor. Senator Mohar moved that the amendments be adopted. Question was called, and with Senator Manning voting no, the amendments carried. Senator Mohar moved the bill as amended. Senator Hirsch spoke against the bill saying that the state did not need more boards. Question was called and with Senator Hirsch voting no, SENATE BILL 210 DO PASS AS AMENDED. (For a copy of the amendments see Exhibit "1" attached hereto and by this reference made a part hereof.)

EXECUTIVE ACTION ON SENATE BILL 274: Senator Haffey explained that this was a bill that would allow the Department of Commerce to withhold licenses from people for doing things others, already licensed, would lose their license for. He said the Committee felt the bill was too broad and gave the Department of Commerce too much power. Valencia Lane entered amendments which answered these questions. Senator Mohar moved that the amendments be adopted. Question was called and the amendments were adopted unanimously. Senator Mohar moved the bill as amended. Question was called, and with Senator Lynch and Senator Harding voting no, SENATE BILL 274 DO PASS AS AMENDED. (For a copy of the amendments see Exhibit "2" attached hereto and by this reference made a part hereof.)

EXECUTIVE ACTION ON SENATE BILL 222: Valencia Lane, staff attorney, explained that this bill had to do with rule making authority for the Department of Commerce. The Committee felt that they should not be able to deny licenses without any rules in place. She explained that she has put in rule making, and amendment language, stricken. She went into detail concerning the amendments.

Exhibit "2"
SB-274
2-15-85

Proposed amendments to SB 274, Introduced (White)

1. Title, line 7.

Following: "LICENSE"

Insert: "OR ISSUANCE OF A PROBATIONARY LICENSE"

2. Title, lines 8 through 10.

Following: "APPLICANT"

Strike: the remainder of line 8 through "ISSUED" on line 10

3. Page 1, line 17.

Following: "license"

Strike: "are"

Insert: "may be, under appropriate circumstances,"

4. Page 1, line 18.

Following: "grounds for"

Insert: "either issuance of a probationary license for a period not to exceed 1 year or"

5. Page 1, lines 19 through 22.

Following: "(2)"

Strike: the remainder of line 19 through "period."
on line 22

Insert: "The denial of a license or the issuance of a probationary license under subsection (1) must be conducted as a contested case hearing under the provisions of the Montana Administrative Procedure Act."

STANDING COMMITTEE REPORT

February 15, 1985

MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE BILL** No. **274**

first reading copy (**white**)
color

GROUND'S FOR DISCIP. ACTION AS GROUND'S FOR DENYING OCCUP. OR PROF. LICENSES

Respectfully report as follows: That **SENATE BILL** No. **274**

be amended as follows:

1. Title, line 7.

Following: "LICENSE"

Insert: "OR ISSUANCE OF A PROBATIONARY LICENSE"

2. Title, lines 9 through 10.

Following: "APPLICANT"

Strike: the remainder of line 9 through "ISSUED" on line 10

3. Page 1, line 17.

Following: "license"

Strike: "are"

Insert: "may be, under appropriate circumstances,"

4. Page 1, line 18.

Following: "grounds for"

Insert: "either issuance of a probationary license for a period not to exceed 1 year or"

5. Page 1, lines 19 through 22.

Following: "(2)"

Strike: the remainder of line 19 through "period." on line 22

Insert: "The denial of a license or the issuance of a probationary license under subsection (1) must be conducted as a contested case hearing under the provisions of the Montana Administrative Procedure Act."

AND AS AMENDED

DO PASS

~~DO NOT PASS~~

Chairman.

Mr. Heffelfinger explained that this was not the departments proposal.

Representative Schultz asked Senator Crippen if the provision on page 5, line 5 would effect horseracing. Senator Crippen deferred to Howard Heffelfinger who explained that these permits are issued for three to four days at a time and you may secure a series of licenses. Mr. Heffelfinger also stated that most horseraces run for a period of time, then break, etc.

Representative Schultz then asked Howard Heffelfinger to comment on the deletion on page 3, line 7. Mr. Heffelfinger explained that this was not the departments proposal, but part of the overall effort to help free up the quota system.

Representative Simon asked Bob Durkee if this wouldn't be an ideal time to make a change with little upheaval. Mr. Durkee stated this is putting the cart before the horse and that legislation is created due to problems, not anticipated problems. Montana has too many licenses due to the grandfathering when the quota system was put into effect.

Representative Simon then asked Mr. Durkee if this bill passes would seven or eight licenses become available for movement. Mr. Durkee stated this is correct.

There being no further discussion by proponents or opponents, all were excused by the chairman and the hearing on Senate Bill 53 was closed.

SENATE BILL 274: Hearing commenced on Senate Bill 274. Senator William Farrell, District #31, sponsor of the bill by request of the Department of Commerce, stated this allows the department to issue a probationary license for up to one year or to deny a license to an applicant on any grounds that would warrant disciplinary action by the department. Such action must be conducted as a contested case under the Montana Administrative Procedure Act.

Proponent Geoffrey Brazier, staff attorney, Department of Commerce, explained that they provide services to 20 boards and recognize that occupational licensees provide safety to the public and should be regulated. The department keeps the records, minutes, provide accounting and legal services, etc. Prior to 1970 all boards operated separately and were assigned to a separate department. This legisla-

tion make the situation clear. There needs to be some regulation and this will affect new licensees only.

Proponent Shirley Miller, Bureau Chief, Professional and Occupational Licensing Bureau, Department of Commerce, offered her support.

Representative Schultz asked Geoffrey Brazier if the department has the authority under the Montana Administrative Procedure Act to enforce the provision on page 1, line 24. Mr. Brasier answered that in his opinion they do.

There being no further discussion by proponents and no opponents to the bill, all were excused by the chairman and the hearing on Senate Bill 274 was closed.

SENATE BILL 263: Hearing commenced on Senate Bill 263. Senator Ethel Harding, District #25, sponsor of the bill by request of the Department of Commerce, stated this prohibits renewal of an occupational or professional license that has terminated for failure to renew within three years after lapsing. A new original license could be obtained by passing an examination and paying the appropriate fee.

Proponent Geoffrey Brazier, staff attorney, Department of Commerce, stated this will make sure practitioners are qualified for the service they sell. Mr. Brazier noted a recent case in which a registered nurse had returned to the field after years and had a child die, due to the nurse being unable to perform cardiopulmonary resuscitation. This will make clear the requirements of passing a test and paying a fee, should a license lapse.

Proponent Shirley Miller, Bureau Chief, Professional and Occupational Licensing Bureau, Department of Commerce, offered her support.

Opponent Patricia Antonick of Townsend, stated this bill removes the rulemaking authority from the board to an individual case by case basis. Those most affected will be women who are away from their respective fields for various reasons. All license decisions should be subject to the boards approval and taking an examination should not be the only requirement for requalifying.

Representative Bachini asked Patricia Antonick what other requirements should be necessary for requalifying. Ms.

Mr. Eatinger explained that cosmetologists are trained in hair dyeing and that they are not taught the tapered haircut.

Representative Simon asked Gary Lucht the same question. Mr. Lucht stated, cosmetologists are 50% women and 50% men and that they market younger kids who do not wear flat tops.

Representative Pavlovich asked Gary Lucht if this provision was left out of the barber bill from last session. Mr. Lucht explained that this was correct.

There being no further discussion by proponents or opponents, all were excused by the chairman and the hearing on Senate Bill 342 was closed.

ACTION ON SENATE BILL 404: Representative Brandewie moved DO PASS on Senate Bill 404. Second was received, Senate Bill 404 will BE CONCURRED IN by unanimous vote.

ACTION ON SENATE BILL 263: Representative Hansen moved DO PASS on Senate Bill 263. Representative Schultz stated a qualifying exam is difficult to design. Representative Brandewie stated tests are designed to thin out applicants and that the requirement should be continuing education. Representative Hansen referred to a drivers license and stated those that retake the driving test are generally better drivers. Representative Driscoll explained that most boards have continuing education requirements and if an individual does not take the courses, their license lapses. Representative Bachini asked Shirley Miller how many boards require continuing education. Ms. Miller stated there are approximately 10 that do and three that are pending legislation. Representative Simon added that those who pay their dues show interest and those that do not pay are not interested. Representative Wallin asked Shirley Miller the procedure for sending a license renewal notice. Ms. Miller stated licensees are notified by post card that fees are due. Representative Glaser stated this creates a broad brush and there may be better control under each board. Representative Brandewie stated the board of realty regulation will pull a license if your fee is not right on time and that each board is different. Question being called, a roll call vote resulted in 16 members voting yes and 4 members voting no. Senate Bill 263 will BE CONCURRED IN.

ACTION ON SENATE BILL 274: Representative Thomas moved DO

Business and Labor
March 18, 1985
Page 7

PASS on Senate Bill 274. Second was received, Senate Bill 274 will BE CONCURRED IN by unanimous vote.

ACTION ON SENATE BILL 342: Representative Thomas moved DO PASS on Senate Bill 342. Representative Pavlovich stated that he sponsored the barber bill last session and this provision was intended to be included in that bill. Question being called, a roll call vote resulted in 11 members voting yes and 9 members voting no. Senate Bill 342 will BE CONCURRED IN.

ACTION ON SENATE BILL 53: Representative Wallin moved DO NOT PASS on Senate Bill 53. Representative Thomas offered a substitute motion of DO PASS. Representative Glaser stated that the provision on page 5, line 5 will put fairs into a corner and suggested the committee pass this bill for the day. Representative Pavlovich stated the only good part of the bill is the provision to reduce catering fees. The committee will hold Senate Bill 53 for further consideration. Representative Thomas withdrew his motion.

ACTION ON SENATE BILL 343: Representative Ellerd moved DO PASS on Senate Bill 343. Representative Glaser asked if this would effect the MHD project in Butte. Representative Schultz suggested Paul Verdon, staff researcher, look into this. Representative Ellerd withdrew his motion.

SENATE BILL 221: Senator Richard E. (Dick) Manning, District #18, sponsor of the bill, was present and stated this bill was introduced to protect and help with the problems the quarter horse people are facing. A senate amendment added an additional 1/2%. Senator Manning stated he accepts the amendments proposed by Sonny Hanson, (attached hereto as Exhibit 3) if a one year provision is provided for in amendment number 6 and then provides for a sunset clause.

Representative Ellerd asked Senator Manning why the duties of the executive secretary were taken away and given to the board. Senator Manning explained that this was amended in the senate, and the board deals directly with the executive secretary.

Representative Glaser commented that by increasing the percentage of the handle, the state gets a percentage of the money.

Representative Driscoll called on Linda King, a member of the board of horseracing to comment. Ms. King stated the increase

STANDING COMMITTEE REPORT

March 12 19 85

MR. SPEAKER

We, your committee on BUSINESS AND LABOR

having had under consideration SENATE Bill No. 374

third reading copy (Blue)
color

GROUND FOR DISCIP. ACTION AS GROUND FOR DENYING OCCUP.
OR PROF. LICENSE

Respectfully report as follows: That SENATE Bill No. 374

~~DO PASS~~
BE CONCURRED IN